

REMARKS

INTERVIEW SUMMARY

Applicant appreciates the opportunity to discuss *Lecouturier* and claim 1 with Examiner Dega and SPE O'Connor by telephone on September 15, 2008.

As best understood, the Office regards "electronic form" as including the set of spoken instructions provided by automated call processing systems. The "user data" would then be the DTMF responses transmitted when a caller presses buttons on a telephone keypad.

Based on the interview, the Office appears to regard "customer representative" as the automated call processing system itself.

SECTION 102 REJECTION OF CLAIMS 1, 9, AND 14

Claim 1 stands rejected as anticipated by *Lecouturier*.¹

Lecouturier teaches a ride-sharing system that serves a community of registered users, all of whom have GPS equipped cars. In *Lecouturier*, a first registered user who wishes to go somewhere calls the system and provides certain data, including where he is (pickup point) and where he is going (dropoff point). The system then identifies a second registered user who is driving in a car that happens to be near the pickup point. Then, the system sends the second registered user a message offering an opportunity to provide a ride to the first registered user.

The system operates by having a first user telephone a number and enter his unique ID, presumably by pressing keys on a telephone keypad. The system then recognizes the user's location from the telephone number and retrieves data about the user using the unique ID.

In connection with the step of "providing an electronic form," the Examiner states:

¹ *Lecouturier*, US 2004/0158483, filed Feb. 10, 2003.

- Providing an electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a system is provided for commuter choices).

Thus, as best understood, the Office regards the act of providing a system for commuter choices to be the same as “providing an electronic form.”

In connection with the limitation of “receiving user data” the Office states:

- receiving user-entered data for at least one field present in the electronic form (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where a user provides a phone number and a security code).

At the interview, the Office clarified its position. The Office now states that the “electronic form” corresponds to the sequence of spoken prompts from an automated call processing system, and that “receiving user-data” occurs when the caller presses keys on the telephone in response to such prompts.

Applicant disagrees with the proposition that the spoken prompts of an automated call processing system would be regarded by one of ordinary skill in the art as “forms.” However, rather than contest this point, Applicant proposes to amend claims 1 and 14 to recite “transmitting an electronic form for *display* to a customer.” Since *Lecouturier* fails to teach the *display* of spoken utterances, the amendment clearly distinguishes *Lecouturier*.

Finally, in connection with the limitation of “providing a link that, when activated, establishes a voice channel between the passenger and a customer representative,” the Office states:

- providing a link that, when activated, establishes a voice channel between the passenger and a customer representative and provides a unique identifier associated with the user-entered data that enables a customer representative to retrieve the user-entered data (Claims 13 and 16, paragraphs [0029], [0033], [0105], [0130] and [0131], where an user provides a phone number, a security code and a database storing such user information for future retrieval).

At the interview, the Examiner explained that an automated call processing system is regarded as a “customer representative,” and that any telephone connection is inherently a voice channel.

Applicant disagrees with the proposition that an automated call processing system would be regarded by one of ordinary skill in the art as a “customer representative.” Indeed, one common prompt for an automated call processing systems is: “if you would like to speak to a customer representative, please press the ‘star’ key.”

Again, rather than contest this point, Applicant amends claims 1 and 14 to recite enabling “a customer representative to *view* the user-entered data.” Clearly, an automated call processing system cannot “view” user-entered data.

Claim 14 recites similar limitations and is patentable for at least the same reasons.

SECTION 102 REJECTION OF CLAIM 9

Claim 9 recites a computing device “adapted to *display* an electronic form.”

Lecouturier teaches a system that uses telephones to communicate with some central computer. There is no indication that these telephones ever “display” any sort of form.

As best understood, the Office regards the words spoken by a call processing system to be some sort of “electronic form.” However, those words are spoken, not displayed.

SECTION 102 REJECTION OF CLAIMS 2, 15, AND 16

To the extent *Lecouturier*'s automated call processing system corresponds to a "customer representative," there can be no "computing device associated with the customer representative" as required by claim 2. The only "computing device" in *Lecouturier* is already the "customer representative" itself.

Claims 5 and 16 include limitations similar to claim 2 and are patentable for at least the same reasons. Claim 15 also requires a customer-service representative and is patentable for at least the same reasons.

SECTION 102 REJECTION OF CLAIMS 3 AND 17

Claim 3 requires that authentication occur before the form is provided.

The Examiner states:

7. **With respect to claim 3:**
8. **Lecouturier discloses authenticating a user before providing the electronic form (Claims 14 and 16, where software program storing and verifying passenger information and databases that are used to authenticate passenger data).**

Thus, the Examiner regards claims 14 and 16 of *Lecouturier* as teaching that authentication occurs *before* a form is transmitted.

Applicant is unable to see how claim 14 teaches this limitation. Claim 16 recites means for identifying a caller, which presumably has something to do with authentication. However, there is no indication in claim 16 that the act of identifying a caller occurs prior to the act of transmitting a form.

Claim 17 includes limitations similar to claim 3 and is patentable for at least the same reasons.

SECTION 102 REJECTION OF CLAIMS 4, 11, AND 18

In rejecting claim 4, the Examiner states:

10. Lecouturier discloses providing the electronic form for display on a wireless handheld device (Paragraph [0085] where a phone system is used for planning the commute).

Paragraph 85 reads as follows:

[0085] Affiliated passenger 110 telephones minutes before leaving home to Passengers on Demand Routes Data Function 111 and provides a personal code. Passengers Data function 111 (i) recognizes the phone number and personal code of passenger, (ii) retrieves passenger's alternate commute routes from Database 101, (iii) forwards alternate commute routes retrieved from Database 101 to Ride Matching Process 112, (iv) registers with Seat Tabulating and Balancing Process 116 the passenger's return trip home trip home by its corresponding home drop-off zone coded segments.

It is plain that paragraph 85 does not refer to "providing the electronic form for display on a wireless handheld device."

Moreover, as explained at the interview, the Office regards the spoken prompts of an automated call processing system as a "form." With this being the case, it is difficult to understand how these spoken utterances can possibly be displayed on a wireless handheld device.

Claims 11 and 18 include limitations similar to claim 4 and are patentable for at least the same reasons.

SECTION 102 REJECTION OF CLAIMS 5 AND 19

In rejecting claim 5, the Examiner states:

11. With respect to claim 5:

12. Lecouturier discloses unique identifier comprises an extension of a phone number (Paragraphs [0029] and [0085], claim 14 and 16, where use of phone number and databases are disclosed).

However, claim 5 does not claim the use of a phone number or a database. Claim 5 is specific to having the “unique identifier” of claim 1 comprise “an extension of a phone number.” The cited paragraph does not refer to such a limitation.

Claim 19 includes limitations similar to claim 5 and is patentable for at least the same reasons.

SECTION 102 REJECTION OF CLAIM 12

Claim 12 requires the additional limitation that the unique identifier comprise identification of a voice channel.

In connection with claim 12, the Examiner states

21. With respect to claim 12:

22. Lecouturier discloses the unique identifier comprises identification of a voice channel so that the voice channel cannot be accessed by a unauthorized person (Claims 13 and 16, paragraphs [0029], [0033], [0085], [0105], [0130] and [0131], where a system is provided for commuter choices and describes the security code to prevent unauthorized access by others).

However, in *Lecouturier*, the security code does not identify a voice channel; it identifies a *user*.

SECTION 102 REJECTION OF CLAIM 13

Claim 13 requires that the first computing device be able to “accept input via voice activated commands.”

In rejecting the claim, the Office states:

23. **With respect to claim 13:**

24. **Lecouturier discloses the first computing device has a capability to accept input via voice activated commands (Paragraph [0085] where a phone system is used for planning the commute which is functional equivalent of the claim limitation).**

The Office thus regards a “phone system” as being the “first computing device” of claim 9, from which claim 13 depends. However, *Lecouturier* does not disclose a phone system that will “display an electronic form” or “display a link” as required by claim 9.

In addition, *Lecouturier* does not disclose any telephone that can “accept input via voice activated commands.”

SECTION 102 REJECTION OF CLAIM 7

Claim 7 stands rejected as anticipated by *Lecouturier*. However, claim 7 depends on claim 6, and claim 6 stands rejected as being rendered obvious by the combination of *Lecouturier* and *Schoen*.

In effect, the Office asserts that *Lecouturier* fails to teach each and every limitation of claim 6. Claim 7, which is dependent on claim 6, necessarily includes each limitation of claim 6. Despite this, the Office asserts that *Lecouturier* teaches each and every limitation of claim 7. Even without reading the claims themselves, this is clearly a logical contradiction.

Applicant requests that the Office explain, as a matter of logic, how it is possible for a dependent claim to be rejected under section 102 while the claim from which it depends stands rejected under section 103.

SECTION 103 REJECTION OF CLAIM 6 AND 20

The Examiner concedes that *Lecouturier* fails to teach claim 6’s limitation of an electronic form used “for making a reservation with a transportation service provider.” However,

the Examiner asserts that one of ordinary skill in the art would have found it obvious to modify *Lecouturier* to include claim 6's additional limitation as disclosed by *Schoen*.²

Schoen teaches a system for tracking passengers and baggage. According to *Schoen*, the idea of a "reservation" is known.

Claim 6 is not trying to patent the concept of reservations. Claim 6 recites a limitation on the "electronic form" referred to in claim 1.

As motivation to combine the references, the Examiner states that one of ordinary skill in the art would have found it obvious to modify *Lecouturier* because

so doing could be performed readily and easily by any person of ordinary skill in the art,
with neither undue experimentation, nor risk of unexpected results.

The foregoing reasons are conclusory statements that fail to support a *prima facie* case of obviousness.

As set forth in *KSR v. Teleflex*, "[r]ejections based on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

Claim 20 includes limitations similar to claim 6 and is patentable for at least the same reasons.

SUMMARY

Now pending in this application are claims 1-20, of which claims 1, 9, and 14 are independent. No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our Deposit Account No. 06-1050, referencing Attorney Docket No. 08575-0104001.

² *Schoen* et al., U.S. Patent No. 7,231,355.

Applicant : Boris Kalinichenko, et al.
Serial No. : 10/811,263
Filed : March 26, 2004
Page : 14 of 14

Attorney's Docket No.: 08575-0104001

Respectfully submitted,

Date: Sept. 17, 2008

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22011346.doc



Faustino A. Lichauco
Reg. No. 41,942